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TRADE AND AMERICAN SOVEREIGNTY

(The following are excerpts from an op-ed by Edwin Meese III and Todd Gaziano of the Heritage Foundation, published November 15.)

- “An important aspect of national sovereignty is the right to enter into international agreements and to participate in enforcing them. Being bound by agreements such as mutual-defense treaties does not weaken sovereign power.”
- “The TPA legislation being debated is clearly constitutional. Congress retains its authority to approve or reject all future trade agreements. It might be unconstitutional if Congress tried to delegate its authority to approve the final deal – but that’s not at issue. What’s at issue is whether our president will be denied an equal footing with other heads of state when he sits down to negotiate such agreements. Congress may always kill any future agreement by withholding its final approval.”
- “The Constitution grants each chamber the authority to establish its own rules of procedure, and it makes sense for Congress to limit itself to straight up-and-down votes on certain resolutions, such as base closures and adjournment motions.”
- “Although we generally oppose having labor and environmental conditions in trade agreements, the TPA legislation shouldn’t attempt to mandate or prohibit them outright. Some members of Congress want to require labor and environmental provisions in all future trade deals, and some want to prohibit them. The president should try to accommodate these conflicting sentiments when he negotiates future trade deals, but it raises serious constitutional questions for Congress to mandate the president’s negotiating positions.”
- “As for the trade deals themselves, they would not be unconstitutional and they would not undermine our sovereignty if they contained an agreement to submit some disputes to an international tribunal for an initial determination. The United States will always have the ultimate say over what our domestic laws provide. No future agreement could grant an international organization the power to change our laws.”
- “A ruling by an international tribunal that calls one of our laws into question would have no domestic effect unless Congress agrees to change the law to comply with the ruling.”
- “The fact remains that no international body or foreign government may change any American laws. Congress may at any time override an entire agreement by a simple statute. In short, the U.S. Constitution – and any laws and treaties we enact in accordance with it – are the only supreme law of our land.”

- “The only action that will weaken our overall sovereignty is for Congress to hobble the president's authority to negotiate trade deals with other nations by denying him enhanced trade promotion authority.”